

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

SOO LINE RAILROAD COMPANY,)	
)	
Plaintiff,)	
)	
vs.)	NO. 2:17-CV-106
)	
CONSOLIDATED RAIL)	
CORPORATION, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on the "Motion of Defendant Consolidated Rail Corporation to Dismiss the Complaint and to Dismiss or Strike the Complaint's Requests for Relief," filed by Consolidated Rail Corporation on June 2, 2017 (DE #37) and the "Joint Motion of Defendants CSX Transportation, Inc. and Norfolk Southern Railway Company to Dismiss Plaintiff's Complaint," filed by CSX Transportation, Inc. and Norfolk Southern Railway Company on June 2, 2017 (DE #39). For the reasons set forth below, both motions are **DENIED AS MOOT**. On June 13, 2017, Plaintiff filed a "Verified First Amended Complaint and Demand for Jury Trial" (DE #43) in accordance with Federal Rule of Civil Procedure 15(a)(1)(B), which allows for amendment as a matter of course in this instance.

An amended complaint becomes controlling once it is filed because the prior pleading is withdrawn by operation of law.

Johnson v. Dossey, 515 F.3d 778, 780 (7th Cir. 2008); see also *Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1057 (7th Cir. 1998). Because the newly filed amended complaint supersedes the original complaint, the pending motions to dismiss are **DENIED AS MOOT**.

DATED: June 22, 2017

/s/RUDY LOZANO, Judge
United States District Court